

SECTION III—REMARKS

This amendment is submitted in response to the final Office Action mailed 9 June 2008. Claims 33, 36 and 39 are amended and claims 33-42 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 33-39 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 3,528,494 to Levedahl (“*Levedahl*”). Applicants respectfully traverse the Examiner’s rejections. A claim is anticipated only if each and every element, as set forth in the claim, is found in a single prior-art reference. MPEP § 2131; *Verdegaal Bros. v. Union Oil of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). For at least the reasons explained below, *Levedahl* cannot anticipate the claims because it does not disclose every element and limitation recited therein.

Claim 33, as amended, recites an apparatus combination including:

a cover plate;

a channeled base member having an external wall extending around a periphery thereof to which a cover plate is secured so as to define a sealed cavity;

a pair of capillary walls, each capillary wall including a portion disposed substantially adjacent to a portion of the external wall so as to define a pair of capillary channels, said capillary walls dividing the sealed cavity into a condensing region and the capillary channels;

a pair of inner walls, each internal wall coupled to a corresponding one of the pair of capillary walls to create a thermal isolation area between each inner wall and its corresponding capillary wall;

a vapor inlet port to receive a working fluid in a vapor state operatively coupled to the sealed cavity; and

a first liquid outlet port from which the working fluid exits the condenser, operatively coupled to an outlet end of the capillary channel.

(italics added). *Levedahl*, in figure 8, discloses a heat pipe including an outer casing 110 and an inner concentric tubular member 118 (col. 5, lines 23-28). The interior of tubular member 118 forms a vapor channel 126, while the region between tubular member 118 and outer casing 110 forms capillary channel 124 (col. 5, lines 23-28). Tubular member 118 includes therein perforations 116 that allow vapor to travel between vapor channel 126 and capillary channel 124 and allow condensing liquid to travel from the vapor channel into the capillary channel (col. 5, lines 28-33).

Discussing claim 36, the Examiner alleges that figure 8 of *Levedahl* discloses at least one internal wall configured to thermally isolate the capillary channel from the condensing region. Applicants respectfully disagree. *Levedahl* contains no disclosure whatsoever that tubular member 118 provides any kind of thermal isolation between vapor channel 126 and capillary channel 124. In fact, *Levedahl* teaches the opposite: the presence of perforations 116 in tubular member 118 allows mass flux between the two channels, which is inconsistent with providing thermal isolation between the two.

Even if *Levedahl* did disclose thermally isolating vapor channel 126 from capillary channel 124—which it does not, as discussed above—*Levedahl* does not disclose, teach or suggest thermal isolation regions comprising “a pair of inner walls, each internal wall coupled to one of the pair of capillary walls to create a thermal isolation area between each inner wall and its corresponding capillary wall.” Applicants

submit that *Levedahl* therefore cannot anticipate the claim and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claims 34-39, if an independent claim is allowable, then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, independent claim 33 is in condition for allowance. Applicants submit that claims 34-39 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 40-42 under 35 U.S.C § 103(a) as obvious in view of, and therefore unpatentable over, *Levedahl* in view of U.S. Patent No. 6,044,661 to Pfister *et al.* (“*Pfister*”).

Applicants respectfully traverse the Examiner’s rejections. If an independent claim is allowable, then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, independent claim 33 is in condition for allowance. Applicants submit that claims 40-42 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has

overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 08 Sept. 2008

/Todd M. Becker/

Todd M. Becker
Attorney for Applicant(s)
Registration No. 43,487

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Phone: 206-292-8600
Facsimile: 206-292-8606